

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

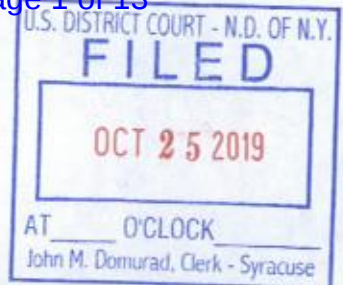
Rodney FERRER

Plaintiff(s),

v.

"J. Thomas, FORMER Superintendent." "J. Corey, Captain"  
"J. Donahue, Asst. Dep. Superintendent." "T. Corey, Lieutenant"  
"Geoghegan, Dep. Supt. of Security." "Meacham, sergeant."  
"J. Tillman, Corrections officer." "V. Leone, Corrections officer."  
"J. Silipo, Jr., Corrections officer." "J. Waters, Corrections officer"  
"MUSIC, Corrections officer." "B. Dougherty, medical nurse"

Defendant(s).



**COMPLAINT**

(Pro Se Prisoner)

Case No. 9:19-cv-1315 (MAD/DJS)  
(Assigned by Clerk's  
Office upon filing)

**Jury Demand**

☒ Yes  
☐ No

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's social security number, taxpayer identification number, or birth date; the name of a person known to be a minor; or a financial account number. A filing may include *only*: the last four digits of a social security number or taxpayer-identification number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Fed. R. Civ. P. 5.2.

**I. LEGAL BASIS FOR COMPLAINT**

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution and laws of the United States. Indicate below the federal basis for your claims.

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)  
☒ *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)  
☒ Other (please specify) 28 U.S.C. §§ 1343(3) & (4), and 2201



## II. PLAINTIFF(S) INFORMATION

Name: Rodney FerrerPrisoner ID #: 08-A-2299Place of detention: FIVE POINTS CORRECTIONAL FACILITY; "RESIDENTIAL MENTAL HEALTH UNIT"Address: State Route 96, P.O. Box 119Ramulus, New York 14541-0119

Indicate your confinement status when the alleged wrongdoing occurred:

- ☐ Pretrial detainee  
☐ Civilly committed detainee  
☒ Convicted and sentenced state prisoner  
☐ Convicted and sentenced federal prisoner  
☐ Immigration detainee

Provide any other names by which you are or have been known and any other identification numbers associated with prior periods of incarceration:

'03-R-2455; 'PRIOR PERIOD OF INCARCERATION, DIN NUMBER'

If there are additional plaintiffs, each person must provide all of the information requested in this section and must sign the complaint; additional sheets of paper may be used and attached to this complaint.

## III. DEFENDANT(S) INFORMATION

Defendant No. 1: Thomas, Justin

Name (Last, First)

Superintendent

Job Title

MARCY CORRECTIONAL FACILITY, 9000 OLD RIVER RD., P.O. BOX 3600

Work Address

MARCY, NEW YORK 13403-3600  
 City State Zip Code

Defendant No. 2: Donahue, James

Name (Last, First)

Assistant Superintendent / Dep. Superintendent of Mental Health  
 Job Title

MARCY CORRECTIONAL FACILITY, 9000 OLD RIVER RD., P.O. BOX 3600  
 Work Address

MARCY, NEW YORK 13403-3600  
 City State Zip Code

Defendant No. 3: Geoghegan  
 Name (Last, First)

Dep. Supt. of Security  
 Job Title  
 MARCY CORRECTIONAL FACILITY, 9000 OLD RIVER RD., P.O. BOX 3600

Work Address

MARCY, NEW YORK 13403-3600  
 City State Zip Code

Defendant No. 4: COREY, Joseph  
 Name (Last, First)

Security Captain  
 Job Title

MARCY CORRECTIONAL FACILITY, 9000 OLD RIVER RD., P.O. BOX 3600  
 Work Address

MARCY, NEW YORK 13403-3600  
 City State Zip Code

If there are additional defendants, the information requested in this section must be provided for each person; additional sheets of paper may be used and attached to this complaint.

#### IV. STATEMENT OF FACTS

State briefly and concisely the facts supporting your claims. Describe the events in the order they happened. Your statement of facts should include the following:

- The date(s) on which the events occurred
- Where these events took place (identify the facility and, if relevant, the specific location in the facility)

Attached, please see the annexed additional two (2) sheets of paper for continuation of defendant's information



Defendant No. 5: Timothy Corey  
NAME (Last, First)

Lieutenant  
JOB TITLE

MARCY Correctional Facility, 9000 Old River Rd., P.O. Box 3600  
WORK ADDRESS

MARCY, NEW YORK 13403-3600  
CITY STATE ZIP CODE

Defendant No. 6: Meacham  
NAME (Last, First)

Sergeant  
JOB TITLE

MARCY Correctional Facility, 9000 Old River Rd., P.O. Box 3600  
WORK ADDRESS

MARCY, NEW YORK 13403-3600  
CITY STATE ZIP CODE

Defendant No. 7: Tillman, Julian  
NAME (Last, First)

Correctional Officer  
JOB TITLE

MARCY Correctional Facility, 9000 Old River Rd., P.O. Box 3600  
WORK ADDRESS

MARCY, NEW YORK 13403-3600  
CITY STATE ZIP CODE

Defendant No. 8: Leone, Vincent  
NAME (Last, First)

Correctional Officer  
JOB TITLE

MARCY Correctional Facility, 9000 Old River Rd., P.O. Box 3600  
WORK ADDRESS

MARCY, NEW YORK 13403-3600  
CITY STATE ZIP CODE

Defendant NO. 9: Silipo, Jason  
NAME (Last, First)  
correctional officer  
JOB TITLE  
MARCY Correctional Facility, 9000 Old River Rd., P.O. Box 3600  
WORK ADDRESS  
MARCY, NEW YORK 13403-3600  
CITY STATE ZIP CODE

Defendant NO. 10: WATERS, Jason  
NAME (Last, First)  
correctional officer  
JOB TITLE  
MARCY Correctional Facility, 9000 Old River Rd., P.O. Box 3600  
WORK ADDRESS  
MARCY, NEW YORK 13403-3600  
CITY STATE ZIP CODE

Defendant NO. 11: MUSIC  
NAME (Last, First)  
correctional officer  
JOB TITLE  
MARCY Correctional Facility, 9000 Old River Rd., P.O. Box 3600  
WORK ADDRESS  
MARCY, NEW YORK 13403-3600  
CITY STATE ZIP CODE

Defendant NO. 12: Dougherty, BRIAN  
NAME (Last, First)  
Medical nurse  
JOB TITLE  
MARCY Correctional Facility, 9000 Old River Rd., P.O. Box 3600  
WORK ADDRESS  
MARCY, NEW YORK 13403-3600  
CITY STATE ZIP CODE



- How each defendant was involved in the conduct you are complaining about

If you were physically injured by the alleged misconduct, describe the nature of your injuries and the medical evaluation and treatment you were provided. You need not cite to case law or statutes or provide legal argument in the Statement of Facts. Use additional sheets of paper if necessary.

Attached, please see the annexed additional (5)  
sheets of paper for the "Statement of Facts,"  
divided into (2) sections; "Prelude & the particulars."

**V. STATEMENT OF CLAIM(S)**

State briefly and concisely the constitutional and/or statutory basis for each claim you seek to assert and identify the defendant(s) against whom each claim is



### Prelude

- 1) From approximately early 2016 through early 2017, I, the plaintiff, Rodney Ferrer, was incarcerated at Marcy Correctional Facility in the Residential Mental Health Unit (R.M.H.U.).
- 2) During this time, I, the plaintiff, was regularly & repeatedly harassed, by a member of the medical nursing staff who openly threatened me, had unwanted physical contact with me, refused me emergency & adequate medical attention on several occasions, & refused to administer my prescribed medical medications to me.
- 3) And this matter at law includes, but is not limited to the harassment, not being fed meals, & threats I've been subjected to by corrections staff as a result of my having filed a later grievance complaint regarding an assault, etc., that took place on 1/27/17 which also involved & was in relation to the aforementioned 'nurse' & the furthering of his mistreatment of me. . . .
- 4) I, the plaintiff, made several efforts to seek intervention & assistance from higher-ups at the facility, but my efforts resulted in further mistreatment & retaliation by corrections staff & "the nurse who was at all times relevant herein", including a particularly brutal incident on 1/27/17 in which I was seriously injured as a result of having been assaulted by several correctional officers who was at all times relevant herein, & 'the nurse' refused to give me any medical attention & 'the nurse' instead mocked & antagonized me. . . .

### The Particulars

- 5) On 4/15/16, I made a complaint against medical nurse "Brian Dougherty" in accordance with the 'prison rape elimination act' (P.R.E.A.) Because he was making me very uncomfortable with his constant sexual jokes & comments towards me. . . .
- 6) "Nurse Dougherty's" inappropriate behavior did not stop. And he even became more bold with the methods he used to target me. He became retaliative, and the harassment got worse. . . .
- 7) So on 4/28/16, out of desperation, I wrote a letter to the "Unit-Chief" (i.e., the supervisor of the office of mental health staff at the 'Residential Mental Health Unit') seeking her intervention.
- 8) I also copied other corrections administrative & supervising staff on this letter (i.e., the Deputy Superintendent of Mental Health, Security Captain, & the Dep. of Security).
- 9) But "nurse Dougherty" continued to harass me, & he was already by then deliberately neglecting & refusing to give me my asthma & allergy medications. . . .
- 10) By late 2016, approximately 10/24/16, I felt compelled to file a facility grievance complaint against "nurse Dougherty", in addition & sequence to all the prior verbal & written complaints I've made concerning this nurse, }



- Because my problems from "nurse Dougherty" continued to escalate. . .
- 11) As a result of the grievance I filed (i.e., grievance # MCY-21065-16) on approximately 10/24/16 not getting resolved in a manner I was comfortable with, & "nurse Dougherty's" persistent harassment & mistreatment, I exhausted the three-step appeal process of the inmate grievance procedure to the level of the 'Central Office Review Committee' (C.O.R.C.), but to no resolve. . .
- 12) Despite all the material evidence & proof that was/is made available (e.g., — reference in my complaint's to precise time(s) & date(s) of audio & video surveillance footage; corrections staff witnesses; & "nurse Dougherty's" reputation & history. . .) to the superintendent (MR. Thomas) & his assistant supervisors regarding the severity of "nurse Dougherty's" mistreatment of me, he was allowed to continue terrorizing me. . .
- 13) During the later part of '2016, I sustained[ed] such a serious injury to the middle of my forehead that an office of mental health nursing staff member (i.e., MR. Bellos) felt compelled to intervene & had to force "nurse Dougherty" to send me to a hospital emergency-room because "nurse Dougherty" initially was blatantly refusing to attend to my injury, & provide me any kind of medical attention. . . My injury required seven staples.
- 14) Also on one occasion during late '2016, "nurse Dougherty" arrived at my cell door unaccompanied by an escorting corrections officer & attempted to administer my 'nasal-cort' allergy nasal spray to me. But because of his awkward expression upon handing me the spray bottle, in addition to my experiences with him, and amongst other factors of that moment, I immediately became suspicious of his intentions & so I opened the bottle to evaluate & smell the contents of the bottle, & it smelled like the cleaning solution that's used to mop the floors of the facility, along with having a faint foul odor. And it was pink in color, & appeared to have some sort of foreign & -or- dirt particles in it. When he realized I detected what he did, he tried to give me the impression that it was just a prank/joke & he grabbed the bottle from me and hastily left the gallery. . . For several days I tried to notify any & all corrections staff (i.e., O.M.H. staff; security staff; medical staff, etc.) who would care to listen, about the incident with "nurse Dougherty" & my nasal-spray bottle, but they all seemingly took it in jest & -or- didn't believe me, led -alone made any kind(s) of genuine inquiry into the matter/ for my safety's sake. . .
- 15) On several other occasions during late '2016 through early 2017, "nurse Dougherty" made deliberate attempts to dispense another inmates prescribed medications to me, & that which wasn't prescribed to me & which could have presumably caused me serious harm would I have taken them. . .
- 16) Out of concern, an acquaintance of mine wrote a letter of complaint/inquiry to "superintendent MR. Thomas" dated 1/16/17, concerning my allegations in }



- paragraphs "13" through "15" of this complaint. And "assistant deputy superintendent "Mr. Donahue" & other supervising staff were copied on the letter.
- 17) still, "nurse Dougherty's" retaliatory & wanton treatment of me went virtually unchecked, & allowed to continue. . .
- 18) on 1/27/17, at approximately 9:30pm, I was escorted to the suicide prevention observation cell(s) (i.e., R.C.T.P./M.H.U.) by correction officer(s) "Tillman", "leone", "Music", "Silipio, Jr.", & "sergeant meacham".
- 19) while being escorted to R.C.T.P./M.H.U., while in route, officer(s) "leone", "Music", & "sergeant meacham" took turns smacking me in the face while I was handcuffed with my hands behind me. And I was punched in the side of my head by "officer" Tillman".
- 20) when we got in the doorway of the R.C.T.P., located between the R.M.H.U. corridor & the R.C.T.P. unit, "sergeant meacham" punched me in the stomach & slammed my face/forehead into one of the side edges to the doorway.
- 21) I was then placed in "R.C.T.P. cell # 3", & right away I could see significant amounts of fecal-matter on the cell walls, floor, the bed frame, mattress, sink, & toilet.
- 22) It was apparent to me that I was deliberately put in "R.C.T.P. cell # 3", instead of "R.C.T.P. cell # 2" which was not only "clean", but also "unoccupied"; I over-heard when "officer(s) Tillman" & "waters" were pre-arranging for me to be taken specifically to the cell that wasn't cleaned yet, & had feces everywhere". . .
- 23) shortly after being placed in "R.C.T.P. cell # 3", I asked the officer who was assigned to the 'R.C.T.P.' housing-unit that evening (i.e., officer waters) for medical attention for the swelling & bruising to my head & face, & I informed "officer waters" that I was also experiencing head-aches & nausea.
- 24) shortly later, "officer waters" responded by saying that he just got off the phone with "sergeant meacham" & that he notified "sergeant meacham" that I was asking to be seen by medical, but that "sergeant meacham" told him to tell me that I'm not getting any medical & to go lay-down.
- 25) Approximately twenty minutes later "nurse Dougherty" came to the proximity of the R.C.T.P. housing-unit (A general walk-about), "officer waters" and "nurse Dougherty" then began to mock & antagonize me, & "nurse Dougherty" left the R.C.T.P. unit without giving me any medical attention. . .
- 26) I had to wait for the next shift (i.e., change of facility staff) before I was able to get medical help. . .
- 27) while I was housed in R.C.T.P. during that weekend (I was ultimately in R.C.T.P. from 1/27/17 - to - 2/1/17) I made several verbal appeals to "sergeant meacham", "lieutenant scott", "officer Tillman", & other corrections staff to get moved from the fecal-covered "R.C.T.P." cell # 3" to "R.C.T.P." cell # 2" }



- which remained unoccupied up until 1/29/17, but my efforts to get moved from "R.C.T.P." cell # 3" were to no avail.
- 28) on 1/29/17, "officer Tillman" refused to feed me 'breakfast' & 'lunch', and he made several references to me as being a rat. And at one point he stated that he doesn't feed rat's. . .
- 29) on the morning of 1/30/17, I was experiencing difficulty breathing because the over-whelming stench of feces began to trigger my asthma and anxiety, so I was escorted to medical by "officer Russo" & "sergeant Davis" for an evaluation & breathing treatment — I was seen by medical "nurse Ms. Hall".
- 30) upon my return from the medical office my cell location was changed from "R.C.T.P." cell # 3" - to - "R.C.T.P." cell # 4" because the officer & the sergeant who were assigned to the R.C.T.P. unit during that day and time (i.e., officer J. Russo & Sgt. Davis) agreed that "cell # 3" was a health hazard.
- 31) I filed a detailed grievance complaint (i.e., grievance # MCY-21523-17) about the assault & following related mistreatment that took place on 1/27/17 through 1/30/17 detailed in paragraphs "18" to "31" of this complaint.
- 32) The grievance (i.e., # MCY-21523-17) was deceptively given the title "unfair treatment" upon filing, so as to avoid detection of the seriousness of the matter within the states D.O.C.C.S. grievance tracking system, and to down-play the situation(s) & continue sweeping them under the rug at the facility level. . . never the less, an in-house mock-investigation was conducted as a result of my grievance & my complaint was alleged to be without merit & unsubstantiated. And so I exhausted the three-step appeal process of the inmate grievance procedure to the level of C.O.R.C. regarding the matter of grievance # MCY-21523-17.
- 33) on 2/24/17, "nurse Dougherty" subjected me to unwanted physical contact when he deliberately hit me in the face with a plastic cup while he stood in front of my cell door. He then began to antagonize, threaten, and harass me, until the officer (i.e., officer Banks) who was escorting him had intervened, causing "nurse Dougherty" to leave from in-front of my cell.
- 34) on 2/26/17, I sent a letter of complaint to a security supervisor (i.e., security captain; "MR. J. Corey") detailing the incident with "nurse Dougherty" on 2/24/17. I also copied the "superintendent" MR. Thomas, "assistant deputy superintendent" MR. Donehue, & other supervising staff on the letter of complaint dated 2/26/17.
- 35) but still, to this very day, my life is difficult while here at the "marcy correctional facility, because of my written & verbal complaints related to the 'causes of action' of this redress; I don't get fed 3



On occasions, I'm constantly concerned about my personal property being mishandled & or destroyed by corrections staff, illegal interference with my out-going & in-coming mail, C.O.'s instigating trouble between me and other prisoners, evasively complicating my access to legal research materials from the facility law-library. . .

I declare under the penalty of perjury that the foregoing is true and correct.

Date: 10.18.19

X Randy Perre



asserted. Commonly asserted claims include: excessive force; failure to protect; deliberate indifference to medical needs; unconstitutional conditions of confinement; denial of due process in a disciplinary or other proceeding; denial of equal protection; retaliation for the exercise of a First Amendment right; and interference with free exercise of religion. Legal argument and case citations are not required. Use additional sheets of paper if necessary.

#### FIRST CLAIM

Violations of constitutional rights under color of state law;

"EXCESSIVE USE OF FORCE / FAILURE TO INTERVENE" \_\_\_\_\_  
 against defendants "Meacham", "Tillman", "Leone", "Music",  
 "Silipo, JR.", "Waters"

#### SECOND CLAIM

Violations of constitutional rights under color of state law;

"Retaliation for the exercise of constitutionally protected rights" \_\_\_\_\_  
 against defendants "Dougherty", "Meacham", "Tillman", "Leone",  
 "Music", "Silipo, JR.", "Waters"

#### THIRD CLAIM

Violations of constitutional rights under color of state law;

"Deliberate indifference to medical needs" \_\_\_\_\_  
 against defendants "Dougherty", "Meacham", "Tillman", "Leone",  
 "Music", "Silipo, JR.", "Waters" - - - { Additional sheet of paper attached, for  
 Continuation of the "statement of claims"

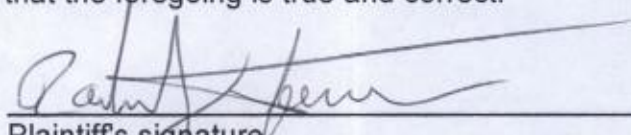
#### VI. RELIEF REQUESTED

State briefly what relief you are seeking in this case.

- A. A Judgment against all defendants for compensatory damages;  
 B. A Judgment against all defendants for punitive damages;  
 C. Any other relief this court finds to be just, proper, & equitable.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 10.18.19

  
 Plaintiff's signature  
 (All plaintiffs must sign the complaint)



#### FOURTH CLAIM

violation of constitutional rights under color of state law;  
"unconstitutional conditions of confinement"  
against defendants "Meacham", "Tillman", "Leone", "Music", "Waters",  
"Silipo, JR."

#### FIFTH CLAIM

violation of constitutional rights under color of state law;  
"Cruel & unusual punishment"  
against defendants "Dougherty", "Meacham", "Tillman", "Leone", "Music",  
"Waters", "Silipo, JR."

#### SIXTH CLAIM

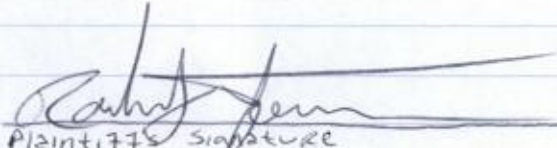
violation of constitutional rights under color of state law;  
"Implementation of policies that directly violate constitutional rights / failure  
to implement policies & practices to avoid violations of constitutional rights  
and failure to train / supervise employees & agents violation of constitutional  
rights under color of state law"  
against defendants "Thomas", "Donahue", "T. Corey", "Geoghegan",  
"J. Corey"

#### SEVENTH CLAIM

violation of constitutional rights under color of state law;  
"Equal protection"  
against defendants "Meacham", "Tillman", "Leone", "Music", "Silipo, JR.",  
"Waters"

I declare under penalty of perjury that the foregoing is true & correct.

Date: 10.18.19

  
Plaintiff's signature